IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1696 of 2007

N.I.C. LTD.
V/S
SMT.JAMANA KANWAR & ORS.

Mr. SANJEEV JOHARI, for the appellant / petitioner

Date of Order : 2.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant, and perused the impugned judgment, (award of Workmen's Compensation Commissioner).

The learned Commissioner has positively found, as a fact, that the vehicle was insured by the appellant vide Ex.A-1, and it is not established, that there was any breach of policy conditions. Then, while deciding on the question of compensation, on the evidence of Jugat Singh and Jamna Kanwar, the claimants, it was found established, that the income of the deceased was Rs. 3500/- per month, and the age of the deceased was computed on the basis of the age mentioned in the driving license. As such I do not find any error in the computation of compensation.

Then, it was sought to be contended, that the insurer could not be held liable for the payment of interest, and for that purpose reliance was placed on the judgment of Hon'ble the Supreme Court, in New India Assurance Co. Ltd. Vs. Harshadbhai Amrutbhai Modhiya, reported in 2006(3) ACJ-1699.

Suffice it to say that there is nothing on record to show, that there was any contract between the parties, to the effect, that the insurer would not be liable to pay interest. Insurance policy is there on record as Ex.A-1, and the learned counsel was pointedly requested to point out, if there be any such stipulation, but he could not point out any such stipulation. Consequently the judgment in Harshadbhai Amrutbhai Modhiya’s case is of no help to the appellant.

As such the appeal has no force, and the same is, therefore, dismissed summarily.

(N P GUPTA),J.

/Sushil/